

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TERESA L. YONCE,  
as Administratrix of the  
Estate of Brock Bland,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-CV-26  
(KLEEH)

BOMBARDIER RECREATIONAL PRODUCTS, INC.,  
a foreign profit corporation, and  
PETE'S CYCLE COMPANY, INC.,  
a Maryland corporation,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 160]  
AND DENYING DEFENDANTS' MOTION TO EXCLUDE  
PLAINTIFF'S EXPERT PETE SULLIVAN

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On October 20, 2023, the Magistrate Judge entered a Report and Recommendation ("R&R") recommending that the Court deny as moot Defendants' motion to exclude Plaintiff's expert Pete Sullivan. The R&R informed the parties that they had fourteen (14) days from the date of filing of the R&R to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to timely file written objections . . . shall constitute a waiver of de novo review by the District Judge and a waiver of appellate review by the Circuit Court of Appeals." No objections were filed.

When reviewing a magistrate judge's R&R, the Court must review

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de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, “the Court may adopt, without explanation, any of the magistrate judge’s recommendations” to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 160]. Defendants’ motion to exclude Plaintiff’s expert Pete Sullivan is **DENIED AS MOOT** [ECF No. 145].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: September 5, 2024



THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA